

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 19 2011

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GONZALA OLEA BLANCO,

Defendant.

11-CR-02081-LRS-4

Plea Agreement

Fed.R.Crim.P. 11(c) (1) (C)

Plaintiff, United States of America, by and through MICHAEL C. ORMSBY, United States Attorney for the Eastern District of Washington, and Jane Kirk, Assistant United States Attorney for the Eastern District of Washington, and Defendant GONZALA OLEA BLANCO, and the Defendant's counsel, Timothy Cotterell, enter into the following Plea Agreement:

1. Guilty Plea and Maximum Statutory Penalties:

The Defendant, GONZALA OLEA BLANCO, agrees to plead guilty to an Information Superseding the Superseding Indictment filed on September 13, 2011, charging the Defendant with Misprision of a Felony, in violation of 18 U.S.C. § 4.

The Defendant, GONZALA OLEA BLANCO, understands that the charge contained in the Information is a Class E felony. The Defendant, GONZALA OLEA BLANCO, also understands that the maximum statutory penalty for Misprision of a Felony, in violation of 18 U.S.C. § 4, is a sentence of 3 years imprisonment; a fine not to

1 exceed \$250,000; a term of up to 1 year supervised release; and a
2 \$100 special penalty assessment.

3 The Defendant, GONZALA OLEA BLANCO, understands that a
4 violation of a condition of supervised release carries an
5 additional penalty of re-imprisonment for all or part of the term
6 of supervised release without credit for time previously served
7 on post-release supervision.

8 2. The Court is Not a Party to the Agreement:

9 The Court is not a party to this Plea Agreement and may
10 accept or reject this Plea Agreement. Sentencing is a matter
11 that is solely within the discretion of the Court. The Defendant
12 understands that the Court is under no obligation to accept any
13 recommendations made by the United States and/or by the
14 Defendant; that the Court will obtain an independent report and
15 sentencing recommendation from the U.S. Probation Office.

16 The Defendant understands that this is a Plea Agreement
17 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and that either party
18 may withdraw from this Plea Agreement if the Court rejects the
19 Plea Agreement.

20 3. Waiver of Constitutional Rights:

21 The Defendant, GONZALA OLEA BLANCO, understands that by
22 entering this plea of guilty the Defendant is knowingly and
23 voluntarily waiving certain constitutional rights, including:

- 24 (a). The right to a jury trial;
25 (b). The right to see, hear and question the witnesses;
26 (c). The right to remain silent at trial;
27 (d). The right to testify at trial; and
28 (e). The right to compel witnesses to testify.

1 While the Defendant is waiving certain constitutional
2 rights, the Defendant understands the Defendant retains the right
3 to be assisted through the sentencing and any direct appeal of
4 the conviction and sentence by an attorney, who will be appointed
5 at no cost if the Defendant cannot afford to hire an attorney.
6 The Defendant also acknowledges that any pretrial motions
7 currently pending before the Court are waived.

8 4. Effect on Immigration Status:

9 Defendant recognizes that pleading guilty may have
10 consequences with respect to her immigration status if she is not
11 a citizen of the United States. Under federal law, a broad range
12 of crimes are removable offenses, including the offense to which
13 defendant is pleading guilty. Removal and other immigration
14 consequences are the subject of a separate proceeding, however,
15 and defendant understands that no one, including her attorney or
16 the district court, can predict to a certainty the effect of her
17 conviction on her immigration status. Defendant nevertheless
18 affirms that she wants to plead guilty regardless of any
19 immigration consequences that her plea may entail, even if the
20 consequence is her automatic removal from the United States.

21 5. Elements of the Offense:

22 The United States and the Defendant agree that in order to
23 convict the Defendant of conspiracy to distribute 50 grams or
24 more of actual methamphetamine, in violation of 21 U.S.C. § 846,
25 the United States would have to prove beyond a reasonable doubt
26 the following elements:

27 (a.) First, a federal felony was committed, as charged in
28 the Information;

1 (b.) The defendant had knowledge of the commission of that
2 felony;

3 (c.) The defendant failed to notify an authority as soon as
4 possible. An "authority" includes a federal judge or some other
5 federal civil or military authority, such as a federal grand
6 jury, DEA agent; and

7 (d.) The defendant did an affirmative act, as charged, to
8 conceal the crime.

9 6. Factual Basis and Statement of Facts:

10 The United States and the Defendant stipulate and agree that
11 the following facts are accurate; that the United States could
12 prove these facts beyond a reasonable doubt at trial; and these
13 facts constitute an adequate factual basis for GONZALA OLEA
14 BLANCO's guilty plea. This statement of facts does not preclude
15 either party from presenting and arguing, for sentencing
16 purposes, additional facts which are relevant to the guideline
17 computation or sentencing, unless otherwise prohibited in this
18 agreement.

19 Since January 2011, DEA TFO Dustin Dunn has been working
20 with a confidential source who was able to purchase
21 methamphetamine from an individual later identified as Gerardo
22 Vargas-Mendoza. On February 1, 2011, the CS conducted a
23 controlled purchase of 3 ounces of crystal methamphetamine from
24 Vargas-Mendoza. On March 2, 2011 the CS conducted a second
25 controlled purchase, buying 1 ounce of methamphetamine. On March
26 17, 2011, the CS purchased approximately 2 ounces of
27 methamphetamine from Vargas-Mendoza. In May 2011, Vargas-Mendoza
28 agreed to provide 4 pounds of methamphetamine to the CS,

1 reporting that he had a contact in California, Tomas, who would
2 supply the drug.

3 In late May, 2011, Vargas-Mendoza contacted Jaime Zepeda-
4 Cardenas about driving to California to pick up the
5 methamphetamine. Zepeda-Cardenas was to be paid \$3000 for making
6 the trip. Zepeda-Cardenas agreed and prepared his car, a 2002
7 gray Ford Taurus, Washington License number 799 ZMI, for the
8 trip. In late May 2011, Vargas-Mendoza and Zepeda-Cardenas
9 traveled to Anaheim, California to pick up the methamphetamine.
10 On May 29, 2011, while in Anaheim, California, Vargas-Mendoza
11 received the methamphetamine from Tomas. Thereafter, Vargas-
12 Mendoza and Zepeda-Cardenas returned to Yakima, Washington,
13 followed by codefendant Juan Gonzalez-Cabrera, who was
14 transported in a Toyota truck, California license number 8X29605
15 and registered to Tomas Trujillo at 500 South Alvy Street,
16 Anaheim, California. Gonzalez-Cabrera was protecting the
17 methamphetamine and was to transport the proceeds of the sale of
18 the methamphetamine back to Tomas in California at the conclusion
19 of the drug transaction. Approximately 2-3 days later, Zepeda-
20 Cardenas delivered Vargas-Mendoza and the methamphetamine to 116
21 West A Street, Wapato, Washington.

22 On June 8, 2011, Vargas-Mendoza instructed Zepeda-Cardenas
23 to go to 814 Adams Avenue, Wapato, Washington. Once there,
24 Zepeda-Cardenas was instructed to transport co-conspirators
25 Gonzalez-Cabrera and Primitivo Garcia-Gutierrez to 116 West A
26 Street. After doing so, Zepeda-Cardenas returned to 814 Adams
27 Avenue and picked up Vargas-Mendoza, then returned to 116 West A
28 Street. Once there, Zepeda-Cardenas took the suitcase containing

1 methamphetamine from the trunk of the vehicle and put the suit
2 case inside the house at 116 West A Street. Thereafter, inside
3 the northeast bedroom of the house, Vargas-Mendoza displayed the
4 methamphetamine to the CS.

5 In May 2011, co-defendant Olea Blanco was present while
6 Vargas-Mendoza and Zepeda-Cardenas at Zepeda-Cardenas' residence
7 discussed traveling to California to pick up the methamphetamine.
8 Then on June 8, 2011, Olea Blanco was at 116 West A Street at the
9 time of the drug trafficking crime. Vargas-Mendoza often resided
10 at 116 West A Street and on June 8, 2011, Vargas-Mendoza
11 temporarily used the residence at 116 West A Street for the
12 purpose of distributing methamphetamine. Olea Blanco was aware
13 that Vargas-Mendoza was using the residence at 116 West A Street
14 on June 8, 2011 and directed Vargas-Mendoza to conduct the drug
15 transaction in "Chino's" room. Vargas-Mendoza was going to pay
16 Olea Blanco for the use of the residence during the drug
17 trafficking.

18 A search warrant at 116 West A Street resulted in the
19 seizure of 1695 grams of actual methamphetamine, as determined by
20 the DEA laboratory. Vargas-Mendoza admitted that he and Zepeda-
21 Cardenas traveled to California to obtain the methamphetamine for
22 distribution to the CS and that Gonzalez-Cabrera was to transport
23 the drug proceeds back to California.

24 At the time of her arrest, Olea Blanco said that she did not
25 know anything about the drug deal occurring at her residence on
26 June 8, 2011.

1 7. Waiver of Inadmissibility of Statements:

2 The Defendant agrees to waive the inadmissibility of
3 statements made in the course of plea discussions with the United
4 States, pursuant to Fed. R. Crim. P. 11(f). This waiver shall
5 apply if the Defendant withdraws this guilty plea or breaches
6 this Plea Agreement. The Defendant acknowledges that any
7 statements made by the Defendant to law enforcement agents in the
8 course of plea discussions in this case would be admissible
9 against the Defendant in the United States's case-in-chief if the
10 Defendant were to withdraw or breach this Plea Agreement.

11 8. The United States Agrees:

12 (a.) Not to File Additional Charges:

13 The United States Attorney's Office for the Eastern District
14 of Washington agrees not to bring any additional charges against
15 the Defendant based upon information in its possession at the
16 time of this Plea Agreement and arising out of Defendant's
17 conduct involving illegal activity charged in this Superseding
18 Indictment, unless the Defendant breaches this Plea Agreement any
19 time before or after sentencing.

20 (b.) Dismissal of Charge:

21 In return for the Defendant's agreement to plead guilty, the
22 government agrees to dismiss Indictment and Superseding
23 Indictment, Count 1, Conspiracy to Distribute Methamphetamine,
24 Count 5, Possession with Intent to Distribute Methamphetamine;
25 and Count 6, Maintaining a Place for Drug Trafficking.

26 9. United States Sentencing Guideline Calculations:

27 The Defendant understands and acknowledges that the United
28 States Sentencing Guidelines (hereinafter "U.S.S.G.") are

1 applicable to this case and that the Court will determine the
2 Defendant's applicable sentencing guideline range at the time of
3 sentencing.

4 (a.) Base Offense Level:

5 The United States and the Defendant agree that the base
6 offense level for misprision of the felony of maintaining a Place
7 for Drug Trafficking is 17. See U.S.S.G. §§2D1.4 & 2X4.1(a).

8 (b.) Acceptance of Responsibility:

9 If the Defendant pleads guilty and demonstrates a
10 recognition and an affirmative acceptance of personal
11 responsibility for the criminal conduct; provides complete and
12 accurate information during the sentencing process; does not
13 commit any obstructive conduct; accepts this Plea Agreement; and
14 enters a plea of guilty no later than December ¹⁹~~th~~, 2011, the *10.B.6.*
15 United States will move for a three (3) level downward adjustment
16 in the offense level for the Defendant's timely acceptance of
17 responsibility, pursuant to U.S.S.G. §3E1.1(a) and (b).

18 The Defendant and the United States agree that the United
19 States may at its option and upon written notice to the
20 Defendant, not recommend a three (3) level downward reduction for
21 acceptance of responsibility if, prior to the imposition of
22 sentence, the Defendant is charged or convicted of any criminal
23 offense whatsoever, if the Defendant tests positive for any
24 controlled substance or if the Defendant fails to continue to
25 accept full responsibility for her actions.

26 Furthermore, the Defendant agrees to pay the \$100 mandatory
27 special penalty assessment to the Clerk of Court for the Eastern
28 District of Washington, at or before sentencing, and shall

1 provide a receipt from the Clerk to the United States before
2 sentencing as proof of this payment, as a condition to this
3 recommendation by the United States.

4 Therefore, the United States and the Defendant agree that
5 the Defendant's final adjusted offense level would be 14.

6 (c.) Criminal History:

7 The United States and the Defendant have made no agreement
8 and make no representations as to the criminal history category,
9 which shall be determined after the Presentence Investigative
10 Report is completed.

11 10. Departures and Variances:

12 There are no aggravating or mitigating factors with respect
13 to the correct calculation of the Sentencing Guidelines. The
14 United States and the Defendant agree that they will not seek
15 either an upward or a downward departure or variance from the
16 applicable Guidelines.

17 11. Incarceration:

18 The United States agrees to recommend a sentence of 15
19 months and the Defendant will recommend that the Court impose a
20 sentence of time served.

21 12. Criminal Fine:

22 The United States and the Defendant are free to make
23 whatever recommendation concerning the imposition of a criminal
24 fine that they believe is appropriate.

25 13. Supervised Release:

26 The United States and the Defendant agree to recommend that
27 the Court impose a $\frac{1}{2}$ year term of supervised release.

28 *re Jan. 0.13. 6.*

1 14. Mandatory Special Penalty Assessment:

2 The Defendant agrees to pay the \$100 mandatory special
3 penalty assessment to the Clerk of Court for the Eastern District
4 of Washington, at or before sentencing, pursuant to 18 U.S.C. §
5 3013 and shall provide a receipt from the Clerk to the United
6 States before sentencing as proof of this payment.

7 15. Payments While Incarcerated:

8 If the Defendant lacks the financial resources to pay the
9 monetary obligations imposed by the Court, the Defendant agrees
10 to earn the money to pay toward these obligations by
11 participating in the Bureau of Prisons' Inmate Financial
12 Responsibility Program.

13 16. Additional Violations of Law Can Void Plea Agreement:

14 The Defendant and the United States agree that the United
15 States may at its option and upon written notice to the
16 Defendant, withdraw from this Plea Agreement or modify its
17 recommendation for sentence if, prior to the imposition of
18 sentence, the Defendant is charged or convicted of any criminal
19 offense whatsoever or if the Defendant tests positive for any
20 controlled substance.

21 17. Appeal Rights:

22 Defendant understands that she has a limited right to appeal
23 or challenge the conviction and sentence imposed by the Court.
24 Defendant hereby expressly waives her right to appeal her
25 conviction and the sentence the Court imposes. Defendant further
26 expressly waives her right to file any post-conviction motion
27 attacking her conviction and sentence, including a motion
28 pursuant to 28 U.S.C. § 2255, except one based upon ineffective

1 assistance of counsel based on information not now known by
2 Defendant and which, in the exercise of due diligence, could not
3 be known by Defendant by the time the Court imposes the sentence.

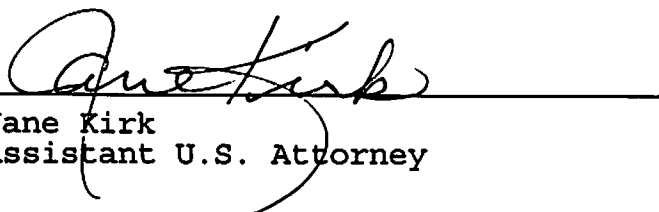
4 18. Integration Clause:

5 The United States and the Defendant acknowledge that this
6 document constitutes the entire Plea Agreement between the United
7 States and the Defendant, and no other promises, agreements, or
8 conditions exist between the United States and the Defendant
9 concerning the resolution of the case. This Plea Agreement is
10 binding only upon the United States Attorney's Office for the
11 Eastern District of Washington, and cannot bind other federal,
12 state or local authorities. The United States and the Defendant
13 agree that this agreement cannot be modified except in a writing
14 that is signed by the United States and the Defendant.

15 Approvals and Signatures

16 Agreed and submitted on behalf of the United States
17 Attorney's Office for the Eastern District of Washington.

18 MICHAEL C. ORMSBY
19 United States Attorney

20 
21 _____
22 Jane Kirk
23 Assistant U.S. Attorney

December 9, 2010
Date


24 I have read this Plea Agreement and have carefully reviewed
25 and discussed every part of the agreement with my attorney. I
26 understand and voluntarily enter into this Plea Agreement.
27 Furthermore, I have consulted with my attorney about my rights, I
28 understand those rights, and I am satisfied with the

1 representation of my attorney in this case. No other promises or
 2 inducements have been made to me, other than those contained in
 3 this Plea Agreement and no one has threatened or forced me in any
 4 way to enter into this Plea Agreement. I am agreeing to plead
 5 guilty because I am guilty.

6 
 7
 8 GONZALA OLEA BLANCO
 Defendant

12-9-11
 Date

9
 10 I have read the Plea Agreement and have discussed the
 11 contents of the agreement with my client. The Plea Agreement
 12 accurately and completely sets forth the entirety of the
 13 agreement between the parties. I concur in my client's decision
 14 to plead guilty as set forth in the Plea Agreement. There is no
 15 legal reason why the Court should not accept the Defendant's plea
 16 of guilty.

17 
 18
 19 TIMOTHY COTTERELL
 Attorney for the Defendant

12-9-11
 Date

20
 21
 22 I hereby certify that I have read and translated the entire
 23 foregoing document to the Defendant in a language with which she
 24 is conversant. If questions have arisen, I have notified the
 25 Defendant's counsel of the questions and have not offered nor
 26 given legal advice nor personal opinions.

27 
 28 Interpreter

12/09/11
 Date

Levi Enríquez